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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT TACOMA

8 RAFAEL RIVERA,

9 Plaintiff,

10 v.

11 CITY OF LACEY, *et al.*,

12 Defendants.

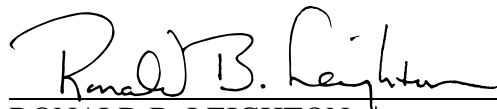
Case No. C08-5719 RBL/KLS

ORDER ADOPTING REPORT AND  
RECOMMENDATION

13 The Court, having reviewed the Report and Recommendation of Magistrate Judge Karen L.  
14 Strombom, objections to the Report and Recommendation, if any, and the remaining record, does  
15 hereby find and **ORDER:**

- 16 (1) Plaintiff's Motion for a Stay of Proceedings [Dkt. #10] is **DENIED**.  
17 (2) The Court adopts the Report and Recommendation.  
18 (3) This action is **DISMISSED WITHOUT PREJUDICE** pursuant to *Heck v.*  
*Humphrey*, 512 U.S. 477 (1994).  
19 (4) The Clerk is directed to send copies of this Order to plaintiff and to the Hon. Karen  
20 L. Strombom.

21 DATED this 23<sup>rd</sup> day of February, 2009.

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24 RONALD B. LEIGHTON  
25 UNITED STATES DISTRICT JUDGE  
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